IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

WP(C).No. 22922 of 2007(D)

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PETITIONER:

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G. ROBERT, AGED 56 YEARS,
S/O. GEORGE, ZYINO COTTAGE, JAWAHAR NAGAR,
VADAKKEVILA,PATTATHANAM, KOLLAM.

BY ADV. SRI.DILEEP P.PILLAI

RESPONDENTS:

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1. SECRETARY TO THE GOVERNMENT,
HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA
ERNAKULAM.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**R.BASANT, J**

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**W.P.(C).No.22922 of 2007**

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Dated this the 12th day of September, 2007

**JUDGMENT**

The short grievance of the petitioner is that the case in which he is the de facto complainant is that the case is not being conducted properly by the Prosecutor in charge of the case. He prays that directions may be issued in the interests of justice to ensure that his case is properly conducted by a competent Prosecutor.

2. He had filed an application to that effect before the Enquiry Commissioner and Special Judge. An interim direction was issued by this Court permitting the learned Special Judge to dispose of the said application. The learned Special Judge has now reported that order dated 5th September,2007 in Cr.M.P.No.657/07 has been passed accepting the request of the petitioner. It has been directed that the Additional legal Advisor shall conduct the further prosecution of the case. The learned Special Judge has also reported that there is no dereliction of duty on the part of the Legal Advisor in conducting this case.

3. In view of that order, no further relief can or need be granted in this petition. The learned counsel for the petitioner further submits that de novo trial is necessary in the interests of justice. I find

absolutely no merit in that prayer.

4. I have no reason to assume that the learned Additional Legal Advisor shall not do the needful if recall of any witness be necessary. Such application ,if any filed, must certainly be considered by the learned Magistrate on merits, in accordance with law and expeditiously.

5. This writ petition is in these circumstances dismissed as no further directions are necessary.

**(R.BASANT, JUDGE)**

sj